

Himmelhoch, Sarah

(b) (6)

ASSISTANT ATTORNEY GENERAL  
ENVIRONMENT AND NATURAL RESOURCES DIVISION  
U.S. DEPARTMENT OF JUSTICE  
PO BOX 7611

WASHINGTON, DC. 20044-7611

RE: UNITED STATES ET AL V. UNION PACIFIC RAILROAD COMPANY

DJ REF. NO. 90-11-3-09488

10 FEB 18 P4:50

DEPT. OF JUSTICE - ENPD  
ENVIRONMENT DIVISION

DEAR SIR:

BACK IN OCTOBER 2008, I WROTE THE ENCLOSED LETTER TO TINA ELAYER AND I RECEIVED A RESPONSE TO MY LETTER THE END OF NOVEMBER. I HAVE ENCLOSED A COPY OF MY ORIGINAL LETTER AND A COPY OF THE RESPONSE I RECEIVED BACK FROM TINA.

IN CASE YOU DON'T KNOW WHO TINA ELAYER IS I'LL EXPLAIN. SHE WRITES A COLUMN FOR OUR LOCAL NEWSPAPER AND ENCOURAGES QUESTIONS AND COMMENTS REGARDING THE EPA AND MASSIVE SUPERFUND CLEANUP PROJECT GOING ON IN OUR AREA (SILVER VALLEY), KELLOGG, IDAHO AND SURROUNDING AREAS. SHE RESEARCHES THE QUESTIONS AND COMMENTS THAT PEOPLE POSE AND THEN SHE RESPONDS.

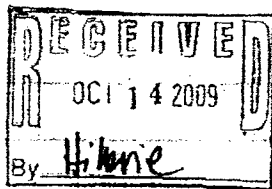
CORR  
90-11-3-09488

I WAS VERY PLEASED WITH HER RESPONSE STATING THAT OUR DIRTY, CONTAMINATED ROAD WILL BE CAPPED WITH ASPHALT AND HOPEFULLY THAT WILL TAKE PLACE THIS SUMMER. TINA SENT A COPY OF MY LETTER BACK TO ME AND SAID THAT I SHOULD SEND IT TO YOU DURING THIS OPEN COMMENT PERIOD. SO THAT IS WHAT I'M DOING.

MY NEIGHBORS AND I WERE WERE VERY EXCITED TO HEAR THIS GOOD NEWS ABOUT GETTING ASPHALT ON OUR ROAD SO I HOPE IT IS REALLY FINALLY GOING TO HAPPEN AFTER ALL THESE YEARS. MY HUSBAND TRIED FOR SEVERAL YEARS BEFORE HIS SUDDEN DEATH IN 2007 TO GET SOMETHING DONE WITH THE ROAD, BUT HE HAD NO LUCK. SO PLEASE HELP US TO MAKE THIS HAPPEN.

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TINA ELAYER

IDAHO DEQ

1005 W. MCKINLEY AVE.

KELLOGG, IDAHO 83837

RE: BUNKER HILL SUPERFUND CLEANUP PROJECT

DEAR TINA:

I LIVE AT YELLOWDOG ON THE BURKE ROAD AND FOR YEARS TERRAGRAMICS HAVE BEEN BUGGING ME ABOUT REMEDIATING MY PROPERTY. I HAVE BEEN PUTTING THEM OFF BECAUSE I LIVE ON A DIRTY FILTHY CONTAMINATED ROAD THAT IS VERY MUDDY IN THE SPRING AND FALL AND VERY VERY DUSTY IN THE SUMMER. I FEEL IT WOULD BE SENSELESS TO HAVE MY YARD REMEDIATED UNTIL THIS ROAD IS CLEANED UP.

YEARS AGO SAMPLES WERE TAKEN OF THE ROAD AND FOR YEARS I HAVE BEEN TRYING TO GET THOSE RESULTS. SOME PEOPLE SAY THESE SAMPLES WERE NEVER DONE, BUT I KNOW THEY WERE. IF THEY WEREN'T DONE THEY CERTAINLY SHOULD HAVE BEEN.

THIS ROAD USED TO BE A RAILROAD

AND IT HAS JUST AS MUCH CONTAMINATION AS ANY PLACE ELSE IN THE SUPERFUND CLEANUP AREA.

TO ME IT MAKES MORE SENSE TO LAY ASPHALT ON THE ROAD. THE ASPHALT WOULD PROVIDE A GOOD SEAL FOR THE CONTAMINATION, IT WOULD BE A LOT EASIER TO KEEP IT PLOWED IN THE WINTER AND IT WOULD NO LONGER HAVE TO BE GRADED EVERY SPRING AND IT WOULD BE HEALTHIER FOR THOSE OF US WHO LIVE HERE TO NOT HAVE TO BREATHE THE DUST OR TRACK IN THE MUD.

I HAVE COMPLAINED ABOUT THE DUST FOR YEARS AND THE RESPONSE I GET TO MY COMPLAINT IS TOO DUST IN MY HOUSE MORE OFTEN. THAT IS RIDICULOUS! THAT IS NO SOLUTION TO THE PROBLEM. I WISH YOU PEOPLE WOULD COME UP HERE IN MAY AND SEPTEMBER AND SEE ALL THE DUST THE SCHOOL BUSES KICK UP. AND COME UP HERE AGAIN IN AUGUST AND SEE ALL THE DUST FROM THE ATV JAMBOREE. I WISH OUR ROAD COULD BE MADE OFF LIMITS TO THE ATV JAMBOREE. ONCE A YEAR THE COUNTY COMES AND PUTS DOWN A REAL THIN LAYER OF WESSON OIL ON THE ROAD. IN THE NEXT DAY OR TWO THAT IS GONE AND THE DUST IS BACK. WHAT A WASTE OF TIME, MONEY AND EFFORT.

I WOULD APPRECIATE IT IF YOU COULD GET SOME ANSWERS FOR ME AND FIND

OUT WHAT HAS HAPPENED TO THE RESULTS FROM THE ROAD SAMPLES THAT WAS DONE A FEW YEARS AGO AND PLEASE FIND OUT WHEN THIS DIRTY, CONTAMINATED PROBLEM WILL BE RESOLVED IN MY NEIGHBORHOOD.

I HAVE SEEN REMEDIATION PROJECTS GOING ON ALL OVER THE VALLEY IN PLACES WHERE NOBODY LIVES AND NOBODY IS EVEN THERE TO TAKE CARE OF THE REMEDIATED <sup>PROPERTY</sup> AFTERWARDS. IT SEEMS TO ME THAT PLACES WHERE PEOPLE LIVE SHOULD ALSO BE TAKEN CARE OF.

HOW WOULD YOU LIKE IT IF MUD AND DUST WERE EVERYWHERE AROUND YOUR PROPERTY EVERYDAY. WE CAN'T EVEN KEEP OUR CARS CLEAN HERE BECAUSE IF THE ROAD IS WET OUR CARS ARE MUDDY AND IF THE ROAD IS DRY OUR CARS, LAWN, & HOUSES ARE DUSTY. AND WE ARE BREATHING THIS IN EVERY SINGLE DAY.

I WILL BE AWAITING A RESPONSE AND THE RESULTS ABOUT THE ROAD SAMPLES AND PLEASE DO NOT PUT ME OFF LIKE OTHERS HAVE BEEN DOING FOR YEARS.

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STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

1410 North Hilton • Boise, ID 83706 • (208) 373-0502

C. L. "Butch" Otter, Governor  
Toni Hardesty, Director

November 30, 2009

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Dear (b) (6) :

Thank you for taking the time to write me a letter with your questions. I am quite excited about the amount of responses to the column. I am slowly making my way through the pile. There are many tough questions out there and they take a little longer to get answers for.

I talked with Jan Olsen from the Kellogg Superfund Project Office, 1005 West McKinley, and she said she spoke with you last April. She informed me of a similar letter that was sent to the commissioners, and she responded to the commissioners shortly after they called and asked the questions.

Here's what I learned of the situation. The road into your property and several others is an old rail bed. DEQ does not have the sample data; apparently the Rail Road (RR) Company hired LFR, an environmental consulting firm, to sample. Attached to this letter is the sample data from them. The RR Company has a plan to cap the road with asphalt as part of their Wallace Yard and Spur lines clean up. That is in the final stages of a legal settlement. The work should happen (hopefully) next summer.

I understand your frustration about the dust kicking up from the road. There is good news that this issue is in final settlement and there will be a layer of asphalt applied to the road next summer. You have taken the right steps in alerting the county commissioners.

Thanks again for taking the time to ask me the questions you have. I hope I am providing you with answers, even if they may not be the ones you want to hear. At least I can get you the sample data. If you need to get a better copy or need further assistance please contact Jan Olsen at the Kellogg Superfund Project Office, she has a hard copy of the sample results. Her phone number is 783-4904. The next time I am up there I would like to take a drive over by you. Would it be alright if I stopped by? You can contact me at 208-373-0563.

Sincerely,

A handwritten signature in black ink, appearing to read "Tina Elayer", written over a horizontal line.

Tina Elayer  
Mining Waste Program Specialist

Enclosure